



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Loretta Creggett,
Department of Law and Public Safety

CSC Docket No. 2018-3166

Classification Appeal

ISSUED: August 3, 2018 (RE)

Loretta Creggett appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position is Investigator 3, Law and Public Safety. The appellant seeks an Investigator 4, Law and Public Safety classification.

The record in the present matter establishes that the appellant is currently serving permanently in the non-competitive title of Investigator 3, Law and Public Safety. The appellant pursued the matter of her reclassification with Agency Services, which reviewed all documentation supplied by the appellant, her supervisor and the appointing authority. The position is in the Department of Law and Public Safety, Division of Consumer Affairs, Office of Consumer Protection, Enforcement Unit. The position reports to a Supervising Investigator Law and Public Safety and has no supervisory duties. Agency Services concluded that the appellant's proper classification was Investigator 3 Law and Public Safety.

On appeal, the appellant argues that, since January 2017, she is solely responsible for the training of all new Investigators hired in the Office of Consumer Protection regardless of what unit they will eventually be assigned. Thus, she argues that she is coordinating an investigative program. She also argues that she takes the lead in investigating allegations against licensed individuals, prepares affidavits of sworn testimonies during investigations, mediates settlements, determines charges against a subject, submits reports to her supervisor, takes the lead in monitoring consumer issues and bringing them to the attention of an investigation unit. In support, the appellant submits the training outline she uses,

and a letter dated April 26, 2018 from the Assistant Deputy Director of Enforcement which identifies her as the coordinator of the training program. This letter states that she is responsible for introducing newly hired Investigators to a variety of subjects, and evaluating the strengths and weaknesses as well as the progress of the new Investigator during training.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Investigator 3, Law and Public Safety states:

Under general supervision of a Supervising Investigator or other supervisory official in the Department of Law and Public Safety, conducts in-depth regulatory and administrative audits and inspections of licensed premises; reviews records, files, financial statements, and other transactions to determine compliance with rules or regulations governing consumer protection laws; conducts complex investigations, performs other confidential and sensitive civil and regulatory investigative activities or specialized investigations to detect alleged noncompliance with or violations of New Jersey State statutes, administrative codes, Professional Rules of Conduct, or consumer protection laws; performs other related duties required.

The definition section of the job specification for Investigator 4, Law and Public Safety states:

Under direction of a Supervising Investigator or other supervisory official in the Department of Law and Public Safety, leads an investigative unit or team or coordinates an investigative program, conducting in-depth regulatory and administrative audits and inspections of licensed premises; reviews records, files, financial statements, and other transactions to determine compliance with rules or regulations governing consumer protection laws; performs other confidential and sensitive civil and regulatory investigative activities or specialized investigations to detect alleged noncompliance with or violations of New Jersey State statutes, administrative codes, Professional Rules of Conduct, or consumer protection laws; performs other related duties as required.

In the instant matter, Agency Services determined that the appellant's position was appropriately classified as an Investigator 3, Law and Public Safety. Specifically, Agency Services concluded that the appellant's duties were in accord with the duties for the title of Investigator 3, Law and Public Safety since her duties did not support that she was a lead worker. A review of her Position Classification Questionnaire (PCQ) indicates that she conducts training of new Investigators for 40% of her time. For the remaining 60% of the time, she coordinates and monitors investigations of major cases that result in litigation filings. There is no dispute that the appellant performs training functions integral to the Office of Consumer Protection, and it is the prerogative of the appointing authority to appoint an individual to perform such functions. However, it is the responsibility of Agency Services to ensure the positions are properly classified this on their assigned duties and responsibilities, and classification determinations are based on the *primary functions* assigned to the position. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. In this regard, the record clearly establishes that the main focus of the duties and responsibilities assigned to the position involves investigations, with 60% of the time working investigations.

Training of personnel, or staff development, while imperative and essential, is by definition, educational. That is, it does not elevate the position to a lead worker. Taking the lead is the distinguishing characteristic in considering whether a position should be classified at the higher level. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. It is not apparent that the appellant's position involves leadership over other Investigators as her duties do not indicate that she performs the scope of lead worker responsibilities, and she is not responsible for mentoring Investigators on a consistent, daily basis. Moreover, the definition section of the job specification for the higher title stated that the incumbent leads an investigative unit or team or coordinates an investigative program, conducting in-depth regulatory and administrative audits and inspections of licensed premises; reviews records, files, financial statements, and other transactions to determine compliance with rules or regulations governing consumer protection laws. As indicated by Agency Services, coordination of an investigative program would involve the oversight and organization of a myriad of investigative people and processes specific to an identified subject or area.

Although the appellant claims that these duties are evidence of her lead worker responsibilities, training is not considered to be coordination of an

investigative program. Training involves basic instruction for improving an individual's performance, and includes following a structured planned outline presenting information to learners, and evaluating the progress of learner. The appellant provides no evidence that her position leads an investigative unit or team, or coordinates an investigative unit. Even if the involved training could be considered coordinating an investigative unit, it is performed 40% of the time, which indicates that it is not the primary focus of the position. Accordingly, the appellant has failed to establish that Agency Services' determination that her position was properly classified as an Investigator 3, Law and Public Safety was incorrect.

ORDER

Therefore, the Civil Service Commission concludes that the proper classification of the appellant's position is Investigator 3, Law and Public Safety.

This is the final administrative action in the matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1st DAY OF AUGUST, 2018



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